IN THE HIGH COURTOF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3891 OF 2007

MAFCO Karmachari Sanghatana ..Petitioner
V/s
MAFCO Ltd. & Others ..Respondent.

Ms Hutoxi Tavadia i/b H.V. Kode for the petitioner.

Mr. V.P. Vaidya i/b M/s Mahesh Jain & Co. for
respondent Nos. 1 to 4.

Mr. S.R. Nargolkar for respodnent Nos. 6 and 7.

CORAM : J.N.PATEL AND
A.A.SAYED, JJ.
DATE : 21ST SEPTEMBER, 2007.

P.C.

. Heard. The learned Counsel for the petitioner has drawn our attention to the fact that the employees of the respondent No. 1 were the members of the Union, are not being paid wages regularly and this is causing undue hardship. What has been high-lighted before us is that the respondent Company is taking steps for payment of wages. For the present the employees are not getting their wages regularly. She has placed reliance in the case in **Kapila Hingorani V. State of Bihar**, reported in (2003) 6 SCC 1, to impress upon the Court that the Supreme court has recognised the fact that it is obligatory on the part of the State to discharge its liability in respect of payment of wages of employees not only of the State but also State owned Corporations, Public Sector Undertakings, Statutory Bodies. According to the petitioner, respondent No.1 is a Public Sector Undertaking of the State of

Maharashtra.

2. The grievance of the petitioner is that the wages were paid after the interval of 1 or 2 months and not regularly. It is not the case that no wages are paid at all.

3. The learned AGP appearing for respondent Nos. 6 and 7 submits that the petitioner Union has already initiated proceedings before the Industrial Tribunal and have an alternative remedy. On the other hand, it is submitted that the State is making all endeavour to see that the dues of the employees are settled. The MAFCO Ltd. has also offered a VRS scheme and about 405 employees have taken advantage of the said scheme and now about 68 employees are left. Therefore, in the facts and circumstances, we do not find it necessary to issue any order or direction in the matter of exercise of extra ordinary jurisdiction under Articles 226 and 227 of the Constitution of India, for the reason that the petitioners have alternative remedy and secondly, this is not a fit case where this Court should interfere. Considering the substantive relief sought for in the petition, which only relates to issuance of directions to the respondents to expeditiously process the disinvestment of respondent No.1 and to direct the respondent No.1 to ensure the payment of wages of each month to the workmen of respondent No.1 and restrain the respondent No.1 disposing of any assets of respondent No.1. Therefore, the petition stands

dismissed with no order as to costs with liberty to the petitioner to seek alternative remedy.

[J.N.Patel, J.]

[A.A.Sayed, J.]